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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

COHEN POOLED ASSET ACCOUNT et al.,

Defendants.

Adv. Pro. No. 10-04371 (SMB)

**STIPULATION AND ORDER OF DISMISSAL OF REMAINING DEFENDANT JANET
MEERBOTT AND DISMISSAL OF ADVERSARY PROCEEDING**

WHEREAS, on November 30, 2010, Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff (“Madoff”) individually, filed a Complaint against defendant Janet Meerbott, among others, in the above-captioned adversary proceeding (the “Adversary Proceeding”); and

WHEREAS, Janet Meerbott, a defendant in the Adversary Proceeding, represents as follows that:

1. She invested in 61 M Associates and/or 61 Associates LLC (collectively, “61 Associates”), which maintained BLMIS Account No. 1CM1095 under the name Cohen Pooled Asset Account, and was aware that the money she invested in 61 Associates was, in turn, ultimately invested with BLMIS.

2. Between January 1999 and December 11, 2008, she deposited a total of \$45,000 with 61 Associates with the understanding and expectation that the money would be invested with BLMIS.

3. Between January 1999 and December 11, 2008, she did not withdraw any money or receive any transfers from BLMIS, the Cohen Pooled Asset Account or 61 Associates.

4. She did not invest any money with BLMIS, the Cohen Pooled Asset Account or 61 Associates in connection with investments in BLMIS, other than the deposit of \$45,000 she made between January 1999 and December 11, 2008.

WHEREAS, Janet Meerbott represents that she has conducted a diligent search for any and all documentation he has related to his investment in 61 Associates; and

WHEREAS, the Trustee is in possession of documents that support Janet Meerbott’s

position that she did not make any withdrawals from her BLMIS Account.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Janet Meerbott as follows:

1. The representations in the foregoing “whereas” clauses shall be deemed material to this stipulation and agreement (the “Agreement”).

2. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and Fed. R. Bankr. P. 7041(a)(1)(ii), the Trustee and Janet Meerbott (the “Stipulating Defendant”) hereby stipulate to a dismissal of the Trustee’s claims against the Stipulating Defendant in the Adversary Proceeding without prejudice.

3. As the Stipulating Defendant is the sole remaining defendant in the Adversary Proceeding, her dismissal results in the dismissal of the Adversary Proceeding.

4. The provision of this Stipulation shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns and upon all creditors and parties of interest.

This Agreement may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

[Signature Page Follows]

Dated: April 18, 2017

BAKER & HOSTETLER LLP

By: /s/ Dominic A. Gentile

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Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

By: /s/ Janet Meerbott

Janet Meerbott

21 Quince Court

Lawrenceville, New Jersey 08648

SO ORDERED

**Dated April 18, 2017
New York, New York**

/s/ Stuart M. Bernstein
**HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE**